

REMARKS

Applicants hereby add new claims 63-66. Accordingly, claims 43-66 are pending in the present application.

Claims 43-62 stand rejected under 35 USC 102(e) for anticipation by U.S. Patent No. 6,892,317 B1 to Sampath et al.

Applicants respectfully request reconsideration of the rejections.

Referring to independent claim 43, the method recites *receiving identification information for a plurality of peripheral devices of a common network*. The Office relies upon inherency in support of the rejection. Applicants respectfully submit that the reliance upon inherency is improper.

In particular, the Office must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied prior art. *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). MPEP 2112 IV (8th ed., rev. 5). To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *Continental Can Co. v. Monsanto Co.* 948 F.2d 1264, 1268, 20 USPQ2d 1748, 1749 (Fed. Cir. 1991). Inherency may not be established by probabilities or possibilities and the mere fact that a certain thing may result from a given set of circumstances is not sufficient. *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (internal citations omitted).

The Office relies upon the diagnostic server 100 of Sampath as teaching the claimed management apparatus which performs the claimed management method. There is no evidence that identification information of the peripheral devices is received by the diagnostic server in Sampath. Furthermore, Applicants respectfully submit that such limitations *do not necessarily flow* from the teachings of Sampath. For example, identification information could initially exist within the management apparatus and there would be no need for the identification information to be received by the management apparatus. Applicants respectfully submit that the limitations of *receiving the identification information* do not necessarily flow from and are not necessarily present in the teachings of Sampath. Furthermore, even if a device must know the identity of the devices it is to monitor as alleged by the Office, it is not necessary for

PDNO. 10007584-1

Serial No. 09/976,625

the device to receive the identification information and such information can be obtained by other methods apart from the claimed limitations illustrating the improper reliance upon inherency.

Applicants respectfully submit the prior art rejection is improper for at least this reason.

Claim 43 further recites formulating configuration data configured to cause configuration of respective ones of the peripheral devices according to respective ones of the thresholds. The Office relies upon the teachings in col. 6, lines 3-7 and 17-21 of Sampath as teaching the claimed formulating. However, the teachings of col. 6 refer to status information which is received from the monitored electrical system per col. 5, lines 60+ of Sampath. The teachings of col. 6, lines 17+ state that prediction information is any *status information* which is pertinent to determining whether an action should be taken to avoid a particular outcome. Applicants have failed to uncover any teachings that the status information or prediction information teaches formulating configuration data configured to cause configuration of respective ones of the peripheral devices as explicitly claimed.

Applicants respectfully submit the prior art rejection is improper for at least this reason.

Claim 43 additionally recites communicating the configuration data to the peripheral devices. The Office relies upon teachings of col. 7, lines 1-4 relating to forwarding command and control signals back to the electronic system. However, the forwarded command and control signals are not the prediction information relied upon by the Office as teaching the formulating configuration data. Accordingly, the teachings of cols. 6 and 7 of Sampath fail to teach the combination of limitations including the formulating and communicating of claim 43. Furthermore, the teachings of col. 7, lines 1+ of forwarding the command and control signals do not teach the communicating the configuration data configured to cause configuration of respective ones of the peripheral devices according to respective ones of the thresholds as positively claimed.

Applicants respectfully submit the prior art rejection is improper for at least this reason.

Applicants respectfully submit that numerous positively recited limitations of claim 43 are not disclosed nor suggested by the prior art and claim 43 is allowable for

PDNO. 10007584-1

Serial No. 09/976.625

at least this reason.

The claims which depend from claim 43 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

For example, referring to dependent claim 45, the generic teachings of firewalls of col. 2 of Sampath fail to teach or suggest the claimed limitations of the *management device outputting instructions for communication through a firewall* or that the *instructions are configured to cause an entity inside the firewall to discover presences of the peripheral devices of the common network and to communicate the identification information corresponding to the peripheral devices responsive to the discovery*. Claim 45 is allowable for this additional reason.

Referring to independent claim 53, the independent claim recites a method comprising *first receiving identification information regarding a plurality of peripheral devices individually configured to consume a consumable*. Applicants respectfully submit that the positively claimed limitations do not necessarily flow from the teachings of the prior art and the reliance upon inherency is misplaced in view of the above-recited authority.

Furthermore, claim 53 recites *defining a plurality of different groups individually comprising different ones of the peripheral devices*. At page 6 of the Action, the Office relies upon the teachings of col. 3, lines 6-11 of Sampath. Applicants respectfully submit that the reference to a single device monitoring data, population and feedback information fail to teach *groups* let alone the limitations of *defining different groups individually comprising different ones of the peripheral devices*.

Applicants respectfully submit the prior art rejection is improper for at least this reason.

Claim 53 further recites for an individual one of the groups, *combining the statuses of the respective peripheral devices of the group providing combined status data*. At page 6 of the Office Action, the Office relies upon inherency and states that it is inherent to *combine a device identifier with a problem status*. Applicants respectfully submit that statement by the Office has not been demonstrated to be inherent, but even if the statement was considered to be inherent from the teachings of Sampath, such fails to teach the claimed combining. In particular, claim 53 recites *combining the statuses of the respective peripheral devices of the group* void of mentioning any

PDNO. 10007584-1

Serial No. 09/976 625

Identifier. Combining a status and an Identifier fails to teach the claimed limitations of combining the statuses providing combined status data as claimed.

Applicants respectfully submit the prior art rejection is improper for at least this reason.

Claim 53 further recites *comparing the combined status data with respect to a threshold*. The Office fails to identify any prior art teachings which allegedly disclose the claimed comparing and Applicants have failed to uncover any teachings of the comparing in Sampath.

Applicants respectfully submit the prior art rejection is improper for at least this reason.

Claim 53 recites *initiating an action with respect to replenishment of the consumable responsive to the comparing indicating the combined status data triggering a threshold*. Applicants have failed to uncover any teachings in col. 7, lines 39-45 or otherwise of Sampath of combined status data triggering a threshold or initiating an action with respect to replenishment of the consumable responsive to the comparing indicating the triggering.

Applicants respectfully submit the prior art rejection is improper for at least this reason.

Applicants respectfully submit that numerous positively recited limitations of claim 53 are not disclosed nor suggested by the prior art and claim 53 is allowable for at least this reason.

The claims which depend from claim 53 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Referring to independent claim 54, the apparatus recites a communications interface which is not disclosed nor suggested by the prior art and the 102 rejection is improper for at least this reason. In particular, claim 54 recites a communications interface configured to output a communication configured to initiate discovery of a plurality of peripheral devices of a common network, to receive identification information of the discovered peripheral devices responsive to the outputting of the communication, and to receive status information regarding a status of a consumable for at least one of the peripheral devices. At page 6 of the Office Action, the Office relies upon the generic teachings of the I/O interface 130 of Sampath. Applicants have

PDNO. 10007584-1

Serial No. 09/976 625

12

uncover any teachings that the I/O interface 130 outputs a communication configured to initiate discovery of a plurality of peripheral devices of a common network in combination with receiving identification information of the discovered peripheral devices responsive to the outputting of the communication.

Applicants respectfully submit the prior art rejection is improper for at least this reason.

In addition, Sampath fails to disclose the processing circuitry configured to access the identification information of the discovered peripheral devices received by the communications interface.

Applicants respectfully submit the prior art rejection is improper for at least this reason.

Applicants respectfully submit that numerous positively recited limitations of claim 54 are not disclosed nor suggested by the prior art and claim 54 is allowable for at least this reason.

The claims which depend from claim 54 are in condition for allowance for the reasons discussed above with respect to the independent claim as well as for their own respective features which are neither shown nor suggested by the cited art.

Applicants submit new claims 63-66 which are supported at least by Figs. 1-3 and 6 and the associated specification teachings.

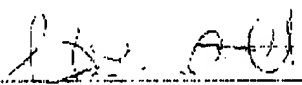
Applicants respectfully request examination of all pending claims.

The Examiner is requested to phone the undersigned if the Examiner believes such would facilitate prosecution of the present application. The undersigned is available for telephone consultation at any time during normal business hours (Pacific Time Zone).

Respectfully submitted,

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PDNO. 10007584-1
Serial No. 09/976,625
Amendment C